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O.P.No.722 of 2022

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N.SATHISH KUMAR, J.

This Petition has been filed under Sections 232 and 276 of the Indian Succession Act read with Order XXV Rule 5 of the Original Side Rules, seeking to grant of Letters of Administration in favour of the petitioner.

2. This petition has been filed for grant of Letters Administration in respect of the Will of one R.Balakrishnan executed on 24.08.2009. The petitioner is the wife of the testator and the respondents are his daughters. The testator R.Balakrishnan died on 25.09.2011. The respondents have given consent for grant of Letters of Administration in favour of the petitioner. The petitioner hereby undertake to duly administer the specified property and credits of the deceased in any way concerning his Will by paying the debts first and then the legacies therein bequeathed so far as the assets will extend and to make full and true inventory thereof and exhibits the same in this Court within the six months from the date of the grant of a



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Letters of Administration with the Last Will annexed to the petition and also to render to this Court a true account of the said property within one year from the said date.

3. The petitioner has been examined as P.W.1. P.W.1 in her evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Letters of Administration in favour of the petitioner in respect of the Last Will and Testament executed by the deceased R.Balakrishnan on 24.08.2009. The Will executed by the deceased R.Balakrishnan has been marked as Ex.P.1. The deceased R.Balakrishnan has executed the Will on 24.08.2009. Ex.P.2 is the computer generated death certificate of the deceased R.Balakrishnan. Ex.P.2 has been filed to prove that the testator R.Balakrishnan died on 25.09.2011. Ex.P.3 is the original legal heirship certificate of the deceased R.Balakrishnan. Ex.P.3 has been filed to prove that the petitioner and the respondents are the legal heirs of the deceased. Ex.P.4 and Ex.P.5 are the consent affidavits given by the respondents for grant of Letters of Administration in favour of the petitioner. Ex.P.6 is the affidavit of assets



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showing the net value of the estate as Rs.1,35,40,000/-. Ex.P.7 and Ex.P.8 are paper publications, but none have objected for the same.

4. One S.Sakthivel, who is one of the attesting witness in the Will, was examined as P.W.2. In his evidence, he has stated that he has signed as the first attesting witness in the Will. He has further stated in his evidence that the testator was in sound state of mind while executing the Will and he has also seen the testator signing the Will and the other attesting witness signing in the document. He has also stated that the testator has seen the attesting witnesses subscribing their signature in the Will. The evidence of attesting witness not only prove the execution but also attestation of the Will and there is no other materials to suspect the Will.

5. In view of the above facts, I am of the view that the petitioner has proved the execution and attestation of the Will. Hence, the petitioner is entitled for the issuance of Letters of Administration in her favour.



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6. Accordingly, this petition is allowed. Issue Letters of Administration in favour of the petitioner. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is also directed to execute a security bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) in favour of the Assistant Registrar (O.S.II), High Court, Madras. The petitioner is further directed to render true and correct accounts once in a year.

06.10.2023

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